

REMARKS

In the Official Action of March 1, 2007 the claims were rejected on 35 U.S.C. 112, second paragraph, on the grounds that the terms “relatively restricted area” and “small fraction” in Claim 2, are relative terms which render the claims indefinite. In addition, the other claims, except for Claims 32, 45–48, 54 and 61, were rejected under 35 U.S.C. 102 and 35 U.S.C. 103 on the cited references, particularly Goor et al PCT/IL97/00249, and Schnall PCT/IL99/00292, taken alone or in combination with other references.

It is believed that the foregoing amendments to Claim 1, which is the only independent claim in the application, avoid all the rejections under 35 U.S.C. 112, second paragraph, under 35 U.S.C. 102, and under 35 U.S.C. 103. Favorable reconsideration of the application is therefore respectfully requested in the light of these amendments and the following remarks.

With respect to the rejection under 35 U.S.C. 112, second paragraph, the Examiner apparently felt that the terms “relatively restricted area” and “small fraction”, as appearing in Claim 2, are not defined by the claim, that the specification does not provide a standard for ascertaining the requisite degree, and therefore one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

It is believed that Claim 1, as now amended, clearly meets the requirements of “definiteness” as set forth under 35 U.S.C. 112, second paragraph.

Claim 1 has been amended to include the subject matter of Claim 2, and to define more specifically the term “relatively restricted area”. Thus, Claim 1, as now amended, defines the term “relatively restricted area of the subject’s skin” as being an area which “does not completely encircle the body part at such measurement site and

occupies a relatively small fraction of the surface perimeter of the respective body part at said measurement site, to thereby permit free venous drainage from said measurement site via a wide region of unrestricted passageways surrounding the measurement site”.

It is submitted that this language added to Claim 1 is clearly supported in the original specification, for example the paragraph on Page 4, lines 8–13, and particularly the paragraph on Page 6, lines 13–23.

It is submitted that Claim 1, as now amended, clearly sets forth the “metes and bounds” of the invention defined therein so as to clearly meet the requirements of 35 U.S.C. 112, second paragraph.

With respect to the rejections under 35 U.S.C. 102 and 103, it is believed that the foregoing amendment to Claim 1 also clearly avoids these rejections of Claim 1, and therefore Claim 1 is allowable under these sections of the Patents Law, as well as under 35 U.S.C. 112, second paragraph.

Since all the remaining claims depend from Claim 1, it is submitted that they are also allowable for the same reasons as Claim 1, in addition to the further features set forth in the respective dependent claims.

Accordingly, it is believed that this application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

Respectfully submitted



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